AN ACT
relating to school district employment policies.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 11.163, Education Code, is amended by amending Subsection (c) and adding Subsections (d) and (e) to read as follows:

(c) The employment policy may:

(1) specify the terms of employment with the district;

(2) delegate to the superintendent the authority to determine the terms of employment with the district; or

(3) include a provision for providing each current district employee with an opportunity to participate in a process for transferring to another school in or position with the district.

(d) The employment policy must provide that not later than the 10th school day before the date on which a district fills a vacant position for which a certificate or license is required as provided by Section 21.003, other than a position that affects the safety and security of students as determined by the board of trustees, the district must provide to each current district employee:

(1) notice of the position by posting the position on:

(A) a bulletin board at:
(i) a place convenient to the public in the
district's central administrative office; and

(ii) the central administrative office of
each campus in the district during any time the office is open; and

(B) the district's Internet website, if the
district has a website; and

(2) a reasonable opportunity to apply for the
position.

(e) If, during the school year, the district must fill a
vacant position held by a teacher, as defined by Section 21.201, in
less than 10 school days, the district:

(1) must provide notice of the position in the manner
described by Subsection (d)(1) as soon as possible after the
vacancy occurs;

(2) is not required to provide the notice for 10 school
days before filling the position; and

(3) is not required to comply with Subsection (d)(2).

SECTION 2. This Act applies beginning with the 2005-2006
school year.

SECTION 3. This Act takes effect immediately if it receives
a vote of two-thirds of all the members elected to each house, as
provided by Section 39, Article III, Texas Constitution. If this
Act does not receive the vote necessary for immediate effect, this
Act takes effect September 1, 2005.
S.B. No. 387

David Dewhurst
President of the Senate

Jim Caffel
Speaker of the House

I hereby certify that S.B. No. 387 passed the Senate on March 31, 2005, by the following vote: Yeas 30, Nays 0.

Kaye Swain
Secretary of the Senate

I hereby certify that S.B. No. 387 passed the House on May 25, 2005, by the following vote: Yeas 144, Nays 0, two present not voting.

Robert Haney
Chief Clerk of the House

Approved:

17 June '05

Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE SECRETARY OF STATE
11:00 A.M. CLOCK

Jun 17, 2005

Roger Williams
Secretary of State